

FILED

FEB 15 2008

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JUDGE JAMES B. ZAGEL
UNITED STATES DISTRICT COURT**

**ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,**

Plaintiff,

v.

**CHICAGO, ILLINOIS LOCAL OF THE
AMERICAN POSTAL WORKERS UNION,**

Defendant.

Civil Action No.:

1:06-cv-1640

STIPULATION OF SETTLEMENT AND ORDER

The subject action was initiated as a result of Plaintiff's investigation of the April 30, 2005 election of officers of the Defendant, Chicago, Illinois, Local of the American Postal Workers Union, under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, hereinafter referred to as the Act (29 U.S.C. § 481 et seq.).

The parties, through their undersigned counsel, hereby stipulate and agree to the settlement of this action in accordance with the terms and conditions set forth below:

1. On March 24, 2006, Plaintiff filed a Complaint pursuant to Title IV of the Act seeking an order declaring Defendant's April 30, 2005 election for certain officers that were elected on that date null and void and directing the Defendant to conduct a new election for those offices under Plaintiff's supervision. The Secretary has alleged violations of the Act and Defendant has denied the violations alleged in the Complaint.

2. The parties, having engaged in discovery, have agreed to settle the Complaint on the following basis rather than engage in further litigation.

3. The parties hereby agree that the next regularly scheduled election for all officers of the Defendant shall be conducted under the supervision of the Plaintiff on or before April 30, 2008. This election shall be conducted in accordance with Title IV of the Act (29 U.S.C. § 481 et seq.), and, insofar as lawful and practicable, in accordance with the Constitution of the American Postal Workers Union and the Constitution and Bylaws of the Defendant. All decisions as to the interpretation or application of Title IV of the Act and the Defendant's Constitution and Bylaws and the Constitution of the American Postal Workers Union relating to the supervised election are to be determined by the Plaintiff, and her decisions shall be final, subject to review by the Court in accordance with the standard set forth in *Brennan v. UAW Local 551*, 486 F.2d. 6 (7th Cir. 1973).

4. This Court shall retain jurisdiction of this action and after completion of the election, Plaintiff shall certify to the Court the names of the persons elected to each office, and that the election was conducted in accordance with Title IV of the Act and, insofar as lawful and practicable, in accordance with the provisions of the Constitution of the American Postal Workers Union and the Constitution and Bylaws of the Defendant. The duly certified elected officers shall serve a full term of office as specified in the Constitution of the American Postal Workers Union and the Constitution and Bylaws of the Defendant. Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected as shown by such certification.

5. By entering into this Stipulation of Settlement, Defendant expressly states that it is not admitting liability or any wrongdoing in connection with the 2005 election.

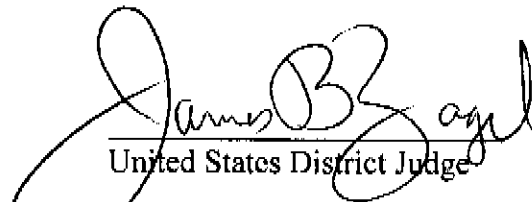
6. Each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding to date.

Dated: 15 Feb 2008

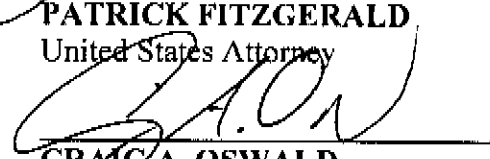
**CHICAGO, ILLINOIS, LOCAL OF
THE AMERICAN POSTAL WORKERS
UNION, Defendant**


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